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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C10  
Serial No: 10/006,768 Group Art Unit: 1647  
Filed: December 6, 2001 Examiner: Rachel B. Kapust

For: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME

Commissioner for Patents  
Washington, D.C. 20231

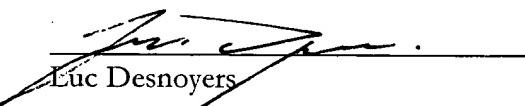
DECLARATION OF LUC DESNOYERS, Ph.D. UNDER 37 CFR 1.131

I, Luc Desnoyers, Ph.D. declare and say as follows:

1. I am scientist at the Molecular Oncology Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and I am aware that the claims have been rejected as anticipated by International Patent Application Publication No. WO 00/00610 (Lal *et al.*, publication date January 6, 2000).
4. I, along with other inventors of this application, conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to January 6, 2000.
5. At the time the present invention was made I was, as still am, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO1412, in chondrocyte proliferation assay (Assay #111, Example 153). This assay is used to find agents that are capable of inducing chondrocyte proliferation and/or redifferentiation, and can, therefore, be used in the treatment of joint diseases using a tissue engineering approach or as promising drug candidates to repair aging or arthritic joints, for example, in which the chondrocytes have been dedifferentiated.
6. In this assay, isolated chondrocyte cells are seeded in 96 well plates with either serum-free medium (no treatment control), or serum-free medium containing the test

PRO polypeptide. After 5 days, fluorescence dye is added to each plate and measured. A positive result in the assay is obtained when the fluorescence of the PRO polypeptide-treated sample is 1.2 fold or higher than the no treatment control. This type of fluorescence determination, wherein the readout is compared to a no treatment control, is well known in the art.

7. A copy of a page from the Genengenes database which reports a positive result for the PRO1412 polypeptide encoded by DNA 64897-1628 (UNQ730) in Assay #111 is attached to this declaration (with its date redacted) as Exhibit A. The positive results reported in the database were also obtained prior to January 6, 2000.
8. Copies of pages from laboratory notebook showing the positive results for the PRO1412 polypeptide (SEQ ID NO:140), identified by Pin number PIN753-1, in Assay #111 are attached to this declaration (with dates redacted) as Exhibit B. These experiments were performed and the results were obtained prior to January 6, 2000.
9. Exhibits A and B clearly show that the polypeptide designated PRO1412 was tested, and its ability to induce the proliferation and/or redifferentiation was determined prior to January 6, 2000.
10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.



Luc Desnoyers

03/25/2004  
Date



Project No. 33757 Book No. 33757 TITLE \_\_\_\_\_

Primary Assay Result

Assay ID ASY111  
Assay Name Chondrocytes Proliferation Assay

Assay Date 10/10/01

Notebook Num. XXXXX-XX

	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
	1	2	3	4	5	6	7	8	9	10	11	12
A	Staurosporin	Staurosporin	Staurosporin	PIN717-1	PIN721-1	PIN725-1	PIN730-1	PIN734-1	PIN738-1	PIN742-1	PIN746-1	PIN750-1
B	Media	Media	Media									
C	PIN708-1	PIN711-1	PIN714-1	PIN718-1	PIN722-1	PIN727-1	PIN731-1	PIN735-1	PIN739-1	PIN743-1	PIN747-1	PIN751-1
D												
E	PIN709-1	PIN712-1	PIN715-1	PIN719-1	PIN724-1	PIN728-1	PIN732-1	PIN736-1	PIN740-1	PIN744-1	PIN748-1	PIN752-1
F												
G	PIN710-1	PIN713-1	PIN716-1	PIN720-1	PIN725-1	PIN729-1	PIN733-1	PIN737-1	PIN741-1	PIN745-1	PIN749-1	PIN753-1
H												

Fluorescence

Plate #1: Reading after 3 hours

PASTE YOUR RAW DATA BELOW

	1	2	3	4	5	6	7	8	9	10	11	12
A	89.1	87.1	96.4	100.4	173.2	166.5	166.6	103.1	74.4	88.0	155.6	82.1
B	81.1	159.7	84.4	144.4	98.6	103.5	115.8	75.3	89.3	104.1	78.5	119.8
C	83.4	91.8	89.5	89.1	88.5	84.9	80.4	56.8	67.8	56.6	63.7	107.2
D	84.8	102.4	75.8	75.8	84.7	37.7	80.3	58.4	70.8	75.3	79.5	119.6
E	102.9	73.5	58.0	71.4	55.9	51.1	59.7	47.5	74.3	72.1	52.5	175.3
F	89.3	102.3	80.7	131.8	84.7	83.8	78.2	68.8	88.2	81.4	84.8	180.5
G	118.0	125.9	159.3	105.5	77.5	57.6	64.6	73.5	77.2	64.0	182.5	183.7
H	144.3	102.0	192.0	193.6	161.4	124.0	128.4	125.7	95.4	137.9	172.1	139.5

Control	Fluorescence
Staurosporin	84.3
Media	108.4

Conc	N1	N2	AVERAGE	STDEV	Positive	Verified	Comments
PIN708-1	0.768	0.780	0.784	0.0			
PIN709-1	0.949	0.845	0.797	0.2			
PIN710-1	1.070	1.331	1.201	0.2			
PIN711-1	0.847	0.945	0.986	0.1			
PIN712-1	0.578	0.944	0.811	0.2			
PIN713-1	1.162	0.941	1.052	0.2			
PIN714-1	0.828	0.897	0.762	0.1			
PIN715-1	0.535	0.744	0.640	0.1			
PIN716-1	1.469	1.771	1.620	0.2			
PIN717-1	0.925	1.333	1.129	0.3			
PIN718-1	0.822	0.653	0.738	0.1			
PIN719-1	0.859	1.216	0.938	0.4			
PIN720-1	0.973	1.788	1.380	0.6			
PIN721-1	1.598	0.910	1.254	0.3			
PIN722-1	0.832	0.597	0.614	0.0			
PIN724-1	0.515	0.781	0.646	0.2			
PIN725-1	0.715	1.489	1.102	0.5			
PIN726-1	1.307	0.958	1.246	0.4			
PIN727-1	0.599	0.343	0.471	0.2			
PIN728-1	0.471	0.774	0.623	0.2			
PIN729-1	0.532	1.144	0.638	0.4			
PIN730-1	1.538	1.098	1.317	0.3			
PIN731-1	0.557	0.556	0.557	0.0			
PIN732-1	0.551	0.722	0.636	0.1			
PIN733-1	0.596	1.184	0.890	0.4			
PIN734-1	0.951	0.697	0.624	0.2			
PIN735-1	0.522	0.520	0.521	0.0			
PIN736-1	0.438	0.617	0.527	0.1			
PIN737-1	0.678	1.159	0.919	0.3			
PIN738-1	0.686	0.624	0.735	0.1			
PIN739-1	0.624	0.654	0.639	0.0			
PIN740-1	0.686	0.635	0.660	0.0			
PIN741-1	0.712	0.580	0.796	0.1			
PIN742-1	0.612	0.981	0.866	0.1			
PIN743-1	0.541	0.695	0.618	0.1			
PIN744-1	0.685	0.751	0.708	0.1			
PIN745-1	0.599	1.272	0.935	0.5			
PIN746-1	1.436	0.724	1.065	0.5			
PIN747-1	0.588	0.733	0.661	0.1			
PIN748-1	0.484	0.781	0.633	0.2			
PIN749-1	1.584	1.588	1.836	0.1			
PIN750-1	0.757	1.105	0.931	0.2			
PIN751-1	0.899	1.104	1.048	0.1			
PIN752-1	1.619	1.665	1.642	0.0			
PIN753-1	1.895	1.287	1.491	0.3			

Witnessed & Understood by me,

Date

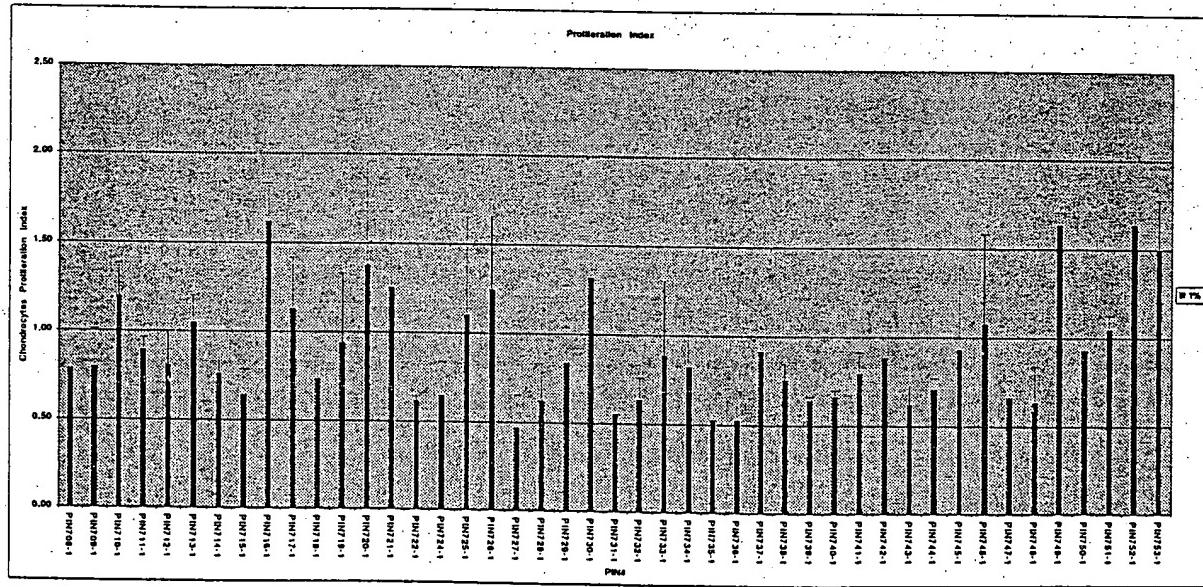
Invented by

Date

Recorded by

GRAPH

PIN#	Average	STDEV
PIN705-1	0.78	0.0
PIN709-1	0.80	0.2
PIN710-1	1.20	0.2
PIN711-1	0.90	0.1
PIN712-1	0.81	0.2
PIN713-1	1.05	0.2
PIN714-1	0.78	0.1
PIN715-1	0.64	0.1
PIN716-1	0.62	0.2
PIN717-1	1.13	0.3
PIN718-1	0.74	0.1
PIN719-1	0.94	0.4
PIN720-1	1.38	0.6
PIN721-1	1.25	0.5
PIN722-1	0.61	0.0
PIN724-1	0.65	0.2
PIN725-1	1.10	0.5
PIN726-1	1.25	0.4
PIN727-1	0.47	0.2
PIN728-1	0.62	0.2
PIN729-1	0.84	0.4
PIN730-1	1.32	0.3
PIN731-1	0.56	0.0
PIN732-1	0.64	0.1
PIN733-1	0.69	0.4
PIN734-1	0.62	0.2
PIN735-1	0.52	0.0
PIN736-1	0.53	0.0
PIN737-1	0.92	0.3
PIN738-1	0.76	0.1
PIN739-1	0.64	0.0
PIN740-1	0.66	0.0
PIN741-1	0.80	0.1
PIN742-1	0.89	0.1
PIN743-1	0.62	0.1
PIN744-1	0.71	0.1
PIN745-1	0.94	0.5
PIN746-1	1.08	0.5
PIN747-1	0.66	0.1
PIN748-1	0.68	0.2
PIN749-1	1.64	0.1
PIN750-1	0.93	0.2
PIN751-1	1.05	0.1
PIN752-1	1.64	0.0
PIN753-1	1.49	0.3



Assessed & Understood by me,

Date

Invented by

Date

Recorded by